

RULES COMMITTEE STATEMENT
REP. JOHN BOEHNER (R-OH), CHAIRMAN
HOUSE EDUCATION & THE WORKFORCE COMMITTEE
RULES OF THE HOUSE FOR THE 109th CONGRESS
JUNE 16, 2004

Mr. Chairman, thank you for holding this hearing and allowing me to testify on the Rules of the House of Representatives. I have had the honor of chairing the Committee on Education and the Workforce for the past three and one half years. I hope my testimony will provide some insights into the working of the House Rules in a legislative committee's operation. As I know you are well aware, the House Rules, under which we conduct our business, are based on the *Jefferson's Manual*, written by Thomas Jefferson over two hundred years ago and his manual is based on parliamentary procedure from the House of Commons in the British Parliament that was developed over hundreds of years. I would not presume to suggest the rules be rewritten in a dramatic way, but I do offer some modest suggestions that I hope will facilitate the smooth operation of the House in the 21st Century.

I. Rule X: Committee Jurisdiction

To begin, I would like to address a matter raised in your invitation letter to testify: the matter of Committee jurisdiction under Rule X. As I am sure you agree, the current systems of referral of bills, oversight and investigation of matters within a Committee's jurisdiction, and the Committee's legislative activity, have worked well to establish boundaries among the Committees while enhancing the expertise of its members and creating, I hope, more thoughtful legislative proposals. I support the Committee system. While I propose no specific change to Rule X – indeed, to the contrary, I believe Rule X has worked well – I am mindful that vigilance by those who interpret Rule X is necessary to maintain order. I strongly warn that those who interpret and implement the jurisdiction rules, including the Committee on Rules, be mindful of “jurisdictional creep”, which will work against the orderly and thoughtful legislative process of enacting laws for our country.

II. Electronic Medium

Since the 104th Congress, the House has become more confident in our reliance on electronic mediums. I strongly believe the House rules can be a useful tool for continuing to strengthen information access through electronic means. While continuing such a conversion will require cooperation among Standing Committees, the National Archives, Committee on House Administration, the Government Printing Office (GPO) and others, our House rules could be modified to encourage the use of electronic documents to the maximum extent possible.

First, I, as a Committee Chairman, am required under House rules to maintain the committee's permanent records. At the end of each Congress, I direct my staff to transfer these records to the National Archives. Under current restrictions, I am unable to submit these records in an electronic form; hence, for the 107th Congress, my staff transmitted 231 boxes of Committee records in paper form to the National Archives. Frankly, the Committee's website that I have instructed my staff to maintain is the most useful tool for retrieving public Committee records. Unfortunately, since there is no current method for electronic archiving of this website, the useful electronic information it holds may be lost after the end of my Chairmanship.

I would propose adding a rule encouraging electronic committee records and archiving through electronic means. In this way all operations within the House would work to keep these documents in electronic form and readily available.

Second, House Rule XI, Clause 1, requires the presence of a printed copy of the bill under consideration in a Committee markup. This antiquated rule requires the full reading – a “word-for-word” reading – of the bill whenever a printed copy is not available. Often the electronic version of the bill is available on the House website (LIS) long before the Committee receives the Government Printing Office printed copy.

I would propose that the rule be modified to require a full reading whenever an electronic copy is not yet available on the House website (LIS). This change would provide all members with access to the legislation while encouraging information sharing through electronic means.

Third, I would recommend continued oversight and legislative changes to improve the electronic operation of the Government Printing Office (GPO). By statute, all official House documents are required to be printed by GPO. The GPO system should improve its electronic operation and promptness in getting Committee documents, particularly hearings, prepared in an electronic form and then, if necessary, printed. While the electronic operation needs significant improvement and is probably beyond the scope of this hearing, I would suggest that the House rules be changed to allow for the hearing records to be prepared solely in an electronic form and made available to the public on the House website (LIS) without actually requiring a paper print. This change would provide all members and even more importantly, the public with immediate access to hearing records through electronic means.

III. Motion to Go to Conference

I also propose a modest but I think useful change to the House rule for moving the House and Senate into conference on a bill. Under House Rule XXII, I have the right in the House to make the motion to go to Conference with the Senate only after the Committee has favorably reported the bill to the House and the Committee has authorized me to do so. At each markup of bills from my Committee, I routinely have the Committee adopt a motion to allow me to make this motion in the House. Over the past three years, I have found that for the less controversial measures, we often bypass Committee, taking the bill

directly to the floor. As such, I do not have the authority to make the motion to go to conference over these measures.

I would propose we change the rule to grant this authority to the Chairman of primary jurisdiction over any bill or resolution that has passed the House regardless of its consideration in Committee or, in the alternative, to allow the Committee of jurisdiction to pass a Committee rule allowing the Chairman to make this motion for such bill or resolution. This is a modest proposal that I believe will facilitate the legislative process with the Senate.

In closing, I realize there are technical issues that need to be considered for each of these proposals. However, if you believe these changes are worthy of possible inclusion in the 109th Congress rules, I pledge to work with you, the House parliamentarians, and any other interested party to draft the rules and procedures that could be applied next year.

These are modest rule changes that will enable our members to complete work more efficiently and effectively. I urge you to consider carefully these proposals and look forward to working with you as we prepare for the 109th Congress.

Again, thank you for allowing me to testify.